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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of the	:	
Reinstatement Application of	:	Administrative Action
	:	
Joel Kurtz, D.M.D.	:	ORDER REINSTATING LICENSE
License No 22DI 00915300	:	WITH RESTRICTIONS
	:	
	:	
to Practice Dentistry in the	:	
State of New Jersey	:	

This matter was opened to the New Jersey Board of Dentistry ("Board") upon the application of Joel P. Kurtz, D.M.D. ("Dr. Kurtz"), seeking to reinstate his license to practice dentistry in this State. Based on a thorough review of all materials presented, the Board has determined that the application should be granted as Dr. Kurtz's return to practice, with the restrictions as outlined in this order, is consistent with the public health, safety, and welfare.

Dr. Kurtz surrendered his license to practice dentistry in December 2004. The surrender, which pursuant to the terms of the consent order was deemed a revocation, was entered on the eve of the hearing to be held on the allegations of the Verified Complaint filed in March 2004. That complaint alleged among other things that Dr. Kurtz had engaged in conduct that violated the statutes and regulations governing the practice of dentistry in the

State of New Jersey in connection with violating boundaries in his treatment of several female patients in his practice. In March 2004, following a hearing on the application for a temporary suspension of Dr. Kurtz's license, the Board found that the evidence presented was sufficiently credible to demonstrate that Dr. Kurtz's continued practice was a clear and palpable danger to the public health, safety, and welfare. The Board granted the Attorney General's application for a temporary suspension. That order continued in effect until December 2004, when the parties entered into the consent order resolving the matter.

By the terms of the December 2004 consent order, Dr. Kurtz agreed to surrender his license and not to apply for reinstatement for a period of two years. Dr. Kurtz further agreed to submit to a comprehensive, multi-disciplinary evaluation, and to abide by the recommendations of the evaluator.

In July 2007, Dr. Kurtz, through counsel, Stephen H. Schechner, Esq., applied for reinstatement. Dr. Kurtz, at the Board's direction, submitted to an independent psychological evaluation by Jeffrey B. Allen, Ph.D. In addition, Dr. Kurtz completed the PRIM-E (Professional Renewal in Medicine (through) Ethics) course. The Board has considered Dr. Allen's comprehensive evaluation, Dr. Kurtz's essay written in the PRIM-E course, and arguments of Dr. Kurtz's counsel, in fashioning this order permitting Dr. Kurtz's return to practice.

It appears to the Board that Dr. Kurtz, despite his continuing denial that he abused his patients, has acknowledged at a minimum that he must be vigilant in his interactions with patients to avoid any recurrence of conduct that could be construed as violating professional boundaries with his patients. And while Dr. Allen has reported that the psychological evidence reviewed and elicited "has not uncovered any clear evidence of the type of major mental health problems that are known to lead to sexually abusive behavior... [or that would] suggest a condition which would render Dr. Kurtz a danger to the public, should he resume the private practice of dentistry and/or oral surgery," Dr. Allen suggested that there are certain issues that merit attention, including Dr. Kurtz's insight into how his behavior affected his patients.

The Board believes that Dr. Kurtz would benefit from psychotherapy to address the concerns raised in Dr. Allen's report and directs Dr. Kurtz to enroll in the Professional Assistance Program (PAP), which shall be provided with a copy of Dr. Allen's report as well as Dr. Kurtz's essay written for the PRIM-E course. The PAP shall develop an appropriate therapeutic regime for Dr. Kurtz and the PAP and any treating therapist(s) shall provide quarterly reports to the Board concerning Dr. Kurtz.

In addition to the psychotherapy, the Board directs that a licensed health care professional serve as a monitor when Dr. Kurtz is treating female patients. The monitor must be physically

present in the room and in the line of sight at all times before, during, and after treatment of any female patient by Dr. Kurtz, and shall sign the chart to indicate that he or she was present during those periods. The monitor shall immediately report any incident or evidence of conduct suggesting that Dr. Kurtz has improperly touched or abused a patient or violated professional boundaries in connection with treatment of a patient. Further, Dr. Kurtz shall cause the monitor to submit a letter to the Board stating that he or she has read this reinstatement order and agrees that he or she will comply with its terms. The Board will entertain an application to be relieved from the any of the terms of this order not sooner than two years from its entry.

THEREFORE, IT IS on this 5th day of ~~November~~ December, 2007;

ORDERED that the application for reinstatement of Joel P. Kurtz, D.M.D., is granted subject to the following:

1. Dr. Kurtz shall enroll in the Professional Assistance Program and participate in psychotherapeutic counseling, which shall include issues concerning professional boundaries. Dr. Kurtz shall sign appropriate releases for each health care professional engaged in his treatment for purposes of submission of quarterly reports to the Board concerning his treatment.

2. (a) Dr. Kurtz shall only practice in the presence of a monitor who is licensed as a health care professional in this State (e.g., nurse, dental hygienist, registered dental assistant).

(b) The monitor must be physically present in the room and in direct line of sight at all times when Dr. Kurtz is with a female patient. The monitor(s) shall sign the patient chart to reflect his or her presence for that period.

(c) The monitor shall report to the Board within 24 hours any incident or evidence of conduct suggesting that Dr. Kurtz has abused a patient, violated professional boundaries in connection with treatment of a patient, or failed to abide by the terms of this order. The report shall be made telephonically, followed by written or electronic notification (fax or e mail), to the Executive Director (or his designee), State Board of Dentistry, 124 Halsey Street, 6th Floor, Newark, New Jersey.

3. Dr. Kurtz shall cause the monitor(s) to submit a letter to the Board identifying his or her name and the license held, and stating that he or she has read this reinstatement order and agrees that he or she will comply with its terms.

4. Dr. Kurtz may apply for relief from the terms of this order not sooner than two years from the date of its entry.

NEW JERSEY STATE BOARD OF DENTISTRY


Maxine Feinberg, D.D.S.
President